REMARKS

Claims 1-7 are pending in this application. By this amendment, claims 1, 3, 6, and 7 have been amended to recite an MFR^{II} value of from 10 to 68 g/10 min. Support for this amendment can be found at page 2, lines 28-29.

Rejections Under 35 U.S.C. § 102

A. Response to rejection of claims 1-7 under 35 U.S.C. §102(e) as being anticipated by Washiyama.

In response to the rejection of claims 1-7 under 35 U.S.C. §102(e) as being anticipated by Washiyama, Applicants respectively traverse the rejection.

As is well settled, anticipation requires "identity of invention." *Glaverbel Societe Anonyme v. Northlake Mktg. & Supply*, 45 F.3d 1550, 1554 (Fed. Cir. 1995). "To anticipate, a prior art reference must place the [invention] in the possession of the public." *Eli Lilly & Co., v. Zenith Goldline Pharms.*, Inc., 471 F.3d 1369, 1375 (Fed. Cir. 2006) (citing *In re Brown*, 51 C.C.P.A. 1254, 329 F.2d 1006, 1011 (1964)). Each and every element recited in a claim must be found in a single prior art reference and arranged as in the claim. *Merck & Co., Inc. v. Teva Pharms. USA, Inc.*, 347 F.3d 1367, 1372 (Fed. Cir. 2003); *In re Marshall*, 578 F.2d 301, 304 (CCPA 1978); *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 730 F.2d 1452, 1458 (Fed. Cir. 1984); and *Eli Lilly*, 471 F.3d at 1375. There must be no differences between what is claimed and what is disclosed in the applied reference. *In re Kalm*, 378 F.2d 959, 962 (CCPA 1967); *Scripps v. Genentech Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991). The Examiner must identify by "page and line" the disclosure of the reference upon which a claim allegedly reads. *Chiong v. Roland*, 17 USPQ2d 1541, 1543 (BPAI 1990) (citing *Lindemann Maschinenfabrik GmbH v. American Hoist and Derrick*, 730 F.2d 1452, 221 U.S.P.Q. 481 (Fed. Cir. 1984)). "Moreover, it is incumbent upon the Examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference." *Ex parte Levy*, 17 USPQ2d 1461, 1462 (BPAI 1990).

With respect to the claimed range of MFR^{II}/MFR^{I} (5-60), Washiyama discloses a vast range for MFR^{II}/MFR^{I} of 30 to 2000, with a most preferred range of 100 to 800. Clearly, there is only slight overlap with Washiyama's broadest range, and no overlap at all with Washiyama's most preferred range. Moreover, in Examples 1-6, Washiyama discloses MFR^{II}/MFR^{I} values of

200.0, 144.3, 83.3, 63.6, 466.6, and 520.0, respectively. Clearly, the lowest exemplified MFR^{II}/MFR^{I} ratio of 63.6 in example 4, is outside the claimed range. With respect to the claimed values of MFR^{II} (from 10 to 68), Washiyama does not directly provide a range at all, instead providing a ratio of MFR^{II}/MFR^{I} from which it can be calculated based on a MFR^{I} value. Because Washiyama discloses a range for MFR^{I} of 0.5 to 10, the calculated broadest range for Washiyama's MFR^{II} is 15 to 20,000, with a calculated most preferred range of 50 to 8000. Therefore, only a partial overlap of the MFR^{II} range exists. Moreover, MFR^{II} values for Washiyama's Examples 1-6 are 300, 140, 100, 70, 700, and 780, respectively. The lowest exemplified MFR^{II} of 70 in Example 4 is outside the claimed range. Based on Washiyama, one of ordinary skill in the art would be led to operate at ranges of MFR^{II}/MFR^{I} and MFR^{II} above those of the current claims.

Therefore, with respect to Washiyama's broad disclosure directed to MFR^{II}/MFR^{I}, and the corresponding calculated values of MFR^{II}, there exists only a small amount of range overlap with the current claims. Certainly, Washiyama does not describe the entire claimed range with sufficient specificity to meet the threshold requirements in order to anticipate these limitations of the present claims. The ranges are different, not the same. Reconsideration and withdrawal of the rejection respectfully is requested.

The Commissioner is hereby authorized to charge U.S. PTO Deposit Account 08-2336 in the amount of any fee required for consideration of this Amendment.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with sufficient postage thereon with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 29, 2009.

April 29, 2009
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